

#8823

VOLUNTARY AGREEMENT

This is an agreement between Montien, Inc., trading as Busara Restaurant and Bar (hereinafter "Busara"), holder of a Class CR alcoholic beverage license for its premises at 2346 Wisconsin Avenue, N.W., and Advisory Neighborhood Commission 3B (hereinafter "ANC 3B").

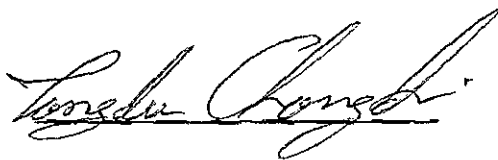
Busara and ANC 3B wish amicably to resolve the issues which are presently before the Alcoholic Beverage Control Board upon Busara's application for renewal of its Class CR license (Case No.8823-0072P). It is therefore agreed between Busara and ANC 3B that:

1. Upon the Board's acceptance of this Agreement, ANC 3B will withdraw its pending Protest and not oppose the Board's granting of a renewal of Busara's license.
2. On or before July 1, 2000, Busara will terminate the activity known as "Typhoon Club."; subsequent to July 1, 2000, Busara will not conduct any activity similar to "Typhoon Club" at the licensed premises.
3. Busara will not use its second-floor outdoor balcony for any customer service after midnight EXCEPT THAT Busara may allow the outdoor balcony to be used as part of the facilities made available to occasional private parties which continue after midnight (not more often than 2 times a month). If any neighboring resident requests advance notification of such occasional parties, Busara will make reasonable efforts to provide notice.
4. So long as the activity does not cause noise which disturbs neighboring residents, ANC 3B will not object to Busara's use of its first-floor level outdoor garden for seated dinner service (not bar service) later than midnight.

The provisions of this Agreement shall become a part of the conditions of Busara's license and shall remain in force upon renewal or transfer of the license. Violations of this Agreement by Busara shall provide just cause for the ABC Board to issue an order requiring Busara to show cause why its license should not be suspended or revoked.

Hereby agreed to:

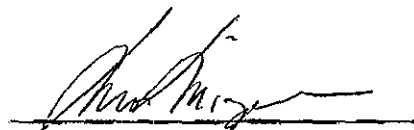
For the Applicant:



Date 8/8/00

Tongdee Chongchamroinnwai
Duly authorized officer of
Montien, Inc.
t/a Busara Restaurant & Bar

For the Protestant:



Date Aug 8, 2000

Monica Mizerek
Chair,
Advisory Neighborhood Commission 3B

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

Montien, Inc.
T/a Busara Restaurant & Bar

Application for a Retailer's
Class CR - renewal
at premises

2340 Wisconsin Avenue, NW
Washington, DC 20007

Case No. 8823-00072P

**Milton J. Grossman, Esquire, on behalf of Advisory Neighborhood Commission
(ANC) 3B, Protestant**

Supronchaoi Hia, President, Applicant

**BEFORE: RODERIC L. WOODSON, ESQUIRE, CHAIR
VERA ABBOTT, MEMBER
CHARLES BURGER, MEMBER
LAURIE COLLINS, MEMBER
JUDY MOY, MEMBER
ELLEN OPPER-WEINER, ESQUIRE, MEMBER
AUDREY THOMPSON, MEMBER**

ORDER ON WITHDRAWN PROTEST AND VOLUNTARY AGREEMENT

This matter, having been protested, was scheduled for a roll call hearing on May 24, 2000, in accordance with D.C. Code Section 25-115(c)(5) (1999 Supp.), providing for the protestants to be heard. The Board received a timely protest letter from Milton J. Grossman, Esquire, on behalf of Advisory Neighborhood Commission (ANC) 3B, protestant.

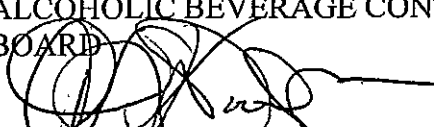
The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement, dated August 8, 2000, the protestant(s) has agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Montien, Inc.
T/a Busara Restaurant & Bar
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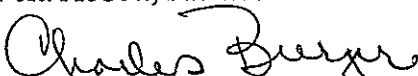
Accordingly, it is this 18th day of April 2001, **ORDERED** that:


1. The opposition of Advisory Neighborhood Commission (ANC) 3B, be, and the same hereby is **WITHDRAWN**;
2. The application of Montien Inc., t/a Busara Restaurant & Bar, for a retailer's class CR license (renewal) at premises 2340 Wisconsin Ave, NW, Washington, DC 20007, be, and the same hereby, is **GRANTED**; and
3. The above-referenced agreement between the parties, be, and the same hereby is **INCORPORATED** and part of this **ORDER**; and;
4. Copies of this Order shall be sent to the Protestant and the Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL
BOARD

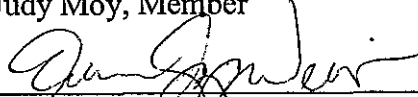

Roderic L. Woodson, Esquire, Chair


Vera Abbott, Member


Charles Burger, Member


Laurie Collins, Member

Judy Moy, Member


Ellen Oppen-Weiner, Esquire, Member

Audrey Thompson, Member